THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.13021 of 2007

Dated 21-06-2007

Between:

S. Krishna Kumar

…Petitioner

And

The Deputy Registrar of Cooperative Societies,
Rajampet, Kadapa District

…Respondent

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.13021 of 2007

ORDER:

The petitioner functioned as President of Rajampet Co-operative Town Bank Ltd., few years ago. An enquiry under Section 51 of the A.P. Co-operative Societies Act, 1964 (for short 'the Act') was caused into the affairs of the Society. Based on the findings recorded therein, surcharge proceedings, under Section 60 of the Act, were initiated against the petitioner. Through an order dated 24-12-2002, the respondent herein held the petitioner liable to pay a sum of Rs.44,27,242/-. Aggrieved thereby, the petitioner filed C.T.A.No.28 of 2003 in the A.P. Co-operative Tribunal, at Hyderabad. The C.T.A. was allowed, on the ground that certain documents, 33 in number, requested for, by the petitioner, were not furnished to him. The respondent herein was directed to furnish the documents, so as to enable the petitioner to submit the explanation.

This writ petition is filed alleging that, without complying with the direction issued by the Tribunal and without furnishing the documents, the respondent is proceeding with the enquiry, under Section 60 (1) of the Act.

Heard the learned counsel for the petitioner.

Learned Government Pleader for Cooperation, obtained instructions at the stage of admission. He contends that the documents, requested for, by the petitioner; could not be furnished, on account of the fact that, till recently, the whole record was with the Police, in the context of initiation of prosecution, and that thereafter, the petitioner did not come forward to collect them.

The main ground urged by the petitioner is that the surcharge

order dated 24-12-2002, passed against the petitioner was set aside, on finding that the petitioner was not furnished the documents, prayed for by him, and that the directions issued by the Tribunal to furnish those documents was not complied with.

From a perusal of the notice dated 23-09-2003, issued by the respondent, it is evident that the petitioner was given an opportunity to verify the records, obviously, to enable him to select those documents, and obtain copies thereof. The petitioner, however, went on submitting representations, stating that unless the documents are furnished to him, he cannot submit the explanation.

Once there is a specific direction issued by the Tribunal, to furnish the relevant documents to the petitioner, the respondent cannot refuse to comply with the same. If any of the documents mentioned in the application of the petitioner are not available, necessary endorsement ought to have been made. Unnecessarily, the matter has been delayed by several years.

Therefore, the writ petition is disposed of, directing that the respondent shall furnish the documents, mentioned by the petitioner, in his application, within a period of one week from today. In case, any of the documents are not available, or cannot be furnished, he shall state the reasons therefor. Within two weeks from receiving the documents, or the communication, as the case may be, the petitioner shall submit his explanation. The proceedings pending before the respondent shall be concluded soon thereafter.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.21-06-2007

Issue c.c. by 26-06-2007

(B/O)*KO**